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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Francesc Casas SALVA

Serial No.: 10/719,013

Filed: November 24, 2003

For: COMPRESSED GAS OPERATED PISTOL



Confirmation No.: 9165

Group Art Unit: 3641

Examiner: Troy Chambers

Customer No.: 34610

U.S. Patent and Trademark Office
MAIL STOP – APPEAL BRIEF
Randolph Building
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Alexandria, Virginia 22314

Sir:

An Advisory Action was mailed on January 4, 2006 indicating that the Reply filed on November 30, 2005 fails to place the application in condition for allowance. The Advisory Action indicates that new claim 48 requires further search and consideration.

It is respectfully submitted that all of pending claims 17, 19-39 and 43-48, and specifically including claim 48, are in condition for allowance. As noted on page 15 of the November 30, 2005 filed reply, amended claim 17 recites the allowable features of claim 18, and amended claim 38 recites the allowable features of claim 42 and the features of intervening claims 40 and 41. Therefore, claims 17, 19-39 and 43-47 are in condition for allowance.

Claim 48 recites the features of allowable claim 26 and the features of its previously pending base claim 17 (without the added features from claim 18). Such subject matter was indicated to be allowable on page 4, item 15 of the June 8, 2005 Office Action.

During a telephone discussion on January 9, 2006, this fact was conveyed to the Examiner. The Examiner agreed that claim 48 recites the allowable features of claim 26 and its base claim 17 and therefore, claim 48 is indeed in condition for allowance. This response is submitted at the request of the Examiner who requested a response to place this discussion in the record.

Consequently, it is respectfully submitted that this response be considered in view of the Examiner's indication on January 9, 2006 that claim 48 is in condition for allowance. Further, it is respectfully requested that a Notice of Allowance be issued for claims 17, 19-39 and 43-48.

This response is filed well within the time period for filing an Appeal Brief in support of the Appeal. Thus, no extension of time fees are required. However, to the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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